

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Samuel KALLNER

Application No.: 10/053,872

Filed: January 24, 2002

For: COMMUNICATION ENDPOINT SUPPORTING MULTIPLE PROVIDER MODELS

Art Unit: 2142

Examiner: Benjamin A. AILES

Washington, D.C.

Atty.'s Docket: KALLNER=1

Date: February 6, 2007



Customer Service Window
Randolph Building, Mail Stop **Amendment**
401 Dulany Street
Alexandria, VA 22314

Sir:

Transmitted herewith is a [] Amendment [XX] RESPONSE TO OFFICIAL ACTION in the above-identified application.

[] Small Entity Status: Applicant(s) claim small entity status. See 37 C.F.R. §1.27.

[XX] No additional fee is required.

[] The fee has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS	RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
TOTAL	42	MINUS	** 80	0	x 25	\$		x 50	\$
INDEP.	3	MINUS	*** 9	0	x 100	\$		x 200	\$
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+ 180	\$		+ 360	\$
					ADDITIONAL FEE TOTAL			TOTAL	

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

[] First - \$ 60.00
[] Second - \$ 225.00
[] Third - \$ 510.00
[] Fourth - \$ 795.00

Month After Time Period Set

Other Than Small Entity

Response Filed Within

[] First - \$ 120.00
[] Second - \$ 450.00
[] Third - \$ 1020.00
[] Fourth - \$ 1590.00

Month After Time Period Set

[] Less fees (\$) already paid for month(s) extension of time on .

[] Please charge my Deposit Account No. 02-4035 in the amount of \$.

[] Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$.

[] A check in the amount of \$ is attached (check no.).

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK, P.L.L.C.

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Registration No. 19,963



THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: KALLNER=1

In re Application of:)	Art Unit: 2142
)	
Samuel KALLNER et al.)	Examiner: Benjamin A. AILES
)	
Appln. No.: 10/053,872)	Washington, D.C.
)	
Date Filed: January 24, 2002)	Confirmation No.: 5341
)	
For: COMMUNICATION ENDPOINT)	February 6, 2007
SUPPORTING MULTIPLE PROVIDER)	
MODELS)	

RESPONSE TO OFFICIAL ACTION

Customer Service Window
Randolph Building, Mail Stop Amendment
401 Dulany Street
Alexandria, VA 22314

Sir:

In response to an Official Action dated November 7, 2006, Applicants respectfully submit the following remarks. This application contains claims 1, 4-16, 26, 29-41, 56 and 59-71, all of which were rejected in the present Official Action. Reconsideration is respectfully requested in view of the remarks that follow.

Claims 1, 4-13, 15, 16, 26, 29-38, 40, 41, 56, 59-68, 70 and 71 were rejected under 35 U.S.C. 103(a) over Smyk et al. (U.S. Patent 6,597,686) in view of Gaus (U.S. Patent 6,778,652), and further in view of Klein (U.S. Patent 6,999,448), while claims 14, 39 and 69 were rejected over

these three references and further in view of Hetz (U.S. Patent 6,185,289). Applicants respectfully traverse these rejections.

Applicants submit herewith a Declaration under 37 C.F.R. 1.131, accompanied by Exhibits A, B and C, proving that they conceived the invention recited in the claims of the present patent application prior to March 14, 2000, and worked diligently to reduce the invention to practice from a date prior to March 14, 2000, until the invention was actually reduced to practice and tested successfully on or about June 21, 2000. Klein was filed March 14, 2000, after the effective date of the present invention.

The present Declaration relies in part on software source code that was submitted by Applicants together with an earlier Declaration in this case. As explained in responses by Applicants to previous Official Actions, this code implements all the elements of method claims 1 and 4-9, as well as of the corresponding apparatus and software product claims. With respect to claims 10-16 (and the corresponding apparatus and software product claims), Applicants' implementation of the invention would have enabled a person of ordinary skill in the art to practice these claims, even though some elements of these claims are not implemented in

the code. In this regard, Applicants call the Examiner's attention to MPEP 715.02(I), second paragraph, and the arguments made in Applicants' response to the preceding Official Action in this case.

Thus, on the basis of Applicants' Declaration, Klein is not applicable as prior art against the present patent application, and the rejections under 35 U.S.C. 103(a) should be withdrawn.

Applicants believe the remarks presented hereinabove to be fully responsive to all of the grounds of rejection raised by the Examiner. In view of these remarks, Applicants respectfully submit that all of the claims in the present application are in order for allowance. Notice to this effect is hereby requested.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By



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